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REASONS WHY THE VACCINATION LAW SHOULD NOT BE REPEALED



A Consideration of Some of the
Arguments of the Anti-Vaccinationists

Published by the Committee on Vaccination
Connecticut State Medical Society
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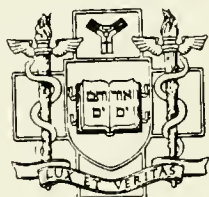
INOCULATION
VACCINATION

Pamphlet

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Reasons Why The Vaccination Law Should Not Be Repealed

*A CONSIDERATION OF SOME OF THE ARGUMENTS OF
THE ANTI-VACCINATIONISTS*

PUBLISHED BY THE COMMITTEE ON VACCINATION
CONNECTICUT STATE MEDICAL SOCIETY

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REASONS WHY THE VACCINATION LAW SHOULD NOT BE REPEALED.

The assertions made by the opponents to vaccination that vaccination never has, never can, and never will prevent smallpox; that the prevalence of smallpox depends entirely upon unhealthy sanitary conditions as regards pure air, pure water, and wholesome food; that compulsory vaccination or the expulsion from school of unvaccinated children is unconstitutional, and that vaccination is frequently the means by which serious diseases are inoculated into the system, are absolutely false. The arguments used by the anti-vaccinationists are usually based upon false premises and their conclusions are grossly illogical.

Attention is called to the accompanying pamphlet, "Facts about Smallpox and Vaccination, etc.," the perusal of which must convince anyone with full possession of his reasoning powers and whose judgment has not been destroyed by prejudice and fanaticism, that smallpox has been and can be prevented by vaccination.

During the six years prior to 1905 Chicago had 1,441 cases of smallpox. Of this number 1,270 had never been vaccinated; of the 171 who had been vaccinated 162 had some sort of a scar, said to be from a vaccination made in early life and with a single exception not one of them had ever been re-vaccinated.

In an epidemic of smallpox in New York City during 1900 and 1901 there were 300 ward attendants in Riverside Hospital, New York City, living in the smallpox wards and in daily attendance upon the smallpox patients. Each one of these was vaccinated upon the commencement of his

service; only 3 of this number had ever had smallpox and not one of the 300 contracted the disease. This is the universal result wherever vaccination has been employed under similar conditions and it is unnecessary to cite further instances, except to quote the statement made by Dr. Elisha North, of Goshen and New London, Conn. Writing in 1829, he says that Connecticut contained then about 250,000 inhabitants and during the thirty preceding years only about twelve had died from smallpox. He adds: "We, the people, are indebted for so great a blessing to two causes. 1. Vaccination; 2. Public law."

In answer to the assertion that the prevalence of smallpox depends entirely upon unhealthy sanitary conditions as regards pure air, pure water and wholesome food, reference is made to the above mentioned pamphlet.

Following the World's Fair the city of Chicago had an epidemic of smallpox in which over 1,000 lives were lost. The following quotation is from the health report of the city of Chicago for the year 1894:

"Recognizing the necessity of prompt and active defence, the commissioners at once increased the number of medical inspectors and established a corps of five hundred vaccinators, a number amply sufficient to cover the territory in which they had to labor, and so thoroughly was this work done that the most unsanitary and overcrowded districts were finally rendered the most free from smallpox. As an example: In one of the West Side districts, with a population of 70,000, within two months 63,000 were successfully vaccinated, and although this district was almost completely saturated with contagion, and although numerous cases had occurred within its limits, yet after the vaccinators had once gone over the field five months of perfect freedom from the disease ensued, and the only case which then appeared was that of a babe, nineteen days old, who had not yet been vaccinated." This has been the universal experience wherever

thorough vaccination has been carried out, and any statistics cited to the contrary are not based on trustworthy facts.

It is undisputable that all contagious diseases are caused by the introduction into the body of organisms, either animal or vegetable, and it has been well shown that unsanitary surroundings can have no possible effect in causing any one of these diseases except in so far as they tend to lower the vitality of the individual and thus make them more susceptible.

Formerly when vaccination was performed by means of arm to arm inoculation it was possible for many diseases to be conveyed from one person to another by this method. Statistics used by the anti-vaccinationists are mainly derived from cases occurring when that form of vaccination was practiced. In those days surgical operations were often attended by serious infections but, with our present knowledge of antisepsis and asepsis, such infections are extremely rare. The same can be said of vaccination in connection with which all possible precautions should be used to prevent infection.

In hearings before the committees of the Connecticut State Legislature the anti-vaccinationists have shamelessly produced cases of Pott's Disease, hip-joint disease and syphilis, claiming that they were caused by vaccination. This is on a par with most of their arguments which emanate from ignorance or gross misrepresentation of facts.

Within a few years a paper was read at a hearing before the Committee on Public Health and Safety in which the writer claimed that vaccinia was simply a modified form of syphilis. Most of the arguments of the anti-vaccinationists are of this class, for they consider personal opinions as established facts.

In all medical literature but 700 cases have been reported of vaccination syphilis and in all these the vaccination was by the arm to arm method. It is a fact that syphilis does

not exist in the calf and cannot be transmitted to cattle. It follows then that in using animal vaccine syphilis cannot be transmitted by vaccination. The same may be said of tuberculosis, as every calf from which virus is obtained at the present time, in the best conducted vaccine farms, is first tested with tuberculin and none but those found to be entirely free from tuberculosis are used to produce vaccine.

Recently a large number of tetanus cases complicating vaccination have been noted. Fifty-three cases occurred at Camden, N. J. A very careful and thorough investigation of the subject was instituted. As a result of the investigation by a capable bacteriologist, it was found that the virus was free from any deleterious material and could not have caused the disease. The incubation period of tetanus is about eight days, whereas the Camden cases appeared after fourteen days, indicating a secondary infection through the neglected wound and that there could have been no introduction of tetanus germs at the time the vaccination was performed. It is a wellknown fact that in certain localities tetanus germs are very abundant and readily gain access to wounds, even of a trivial nature.

Erysipelas is caused by the introduction of various germs into the body. The calf is insusceptible to erysipelas therefore vaccination erysipelas cannot develop from properly prepared animal virus. It can only be derived from some failure in technic during the process of vaccination or from the improper after-care of the vaccination wound. This can also be said of all other infectious processes which have been reported as occurring in connection with vaccination.

With modern methods of vaccination the following figures are quoted: In the report of a series of 100,000 vaccinations performed during the past five years there occurred three cases of abscess formation, one of boils, two of erysipelas and five of ulceration, with one death.

In 5,000 vaccinations in New York City but one ab-

normal condition was noted, viz:— an abscess of the axillary glands. These cases were vaccinated under the most unfavorable circumstances — children of the poorer quarters, suffering from scarlet fever, measles, diphtheria, and other diseases in the infected wards, and yet but one complication resulted. The ages varied from one day to ten years and it is worthy of note that no harm resulted in the case of the child one day old.

As Nothnagel truly states, “In the very large majority of cases the course of vaccinia is normal, without incident and is followed by the desired result, viz:— immunity to variola, and this remains the principal thing to the end.”

Regarding the constitutionality of laws regulating vaccination, reference is made to the decision of the Court of Appeals of the State of New York in the case of *Viemeister vs. White* (88 N. Y. 44, App. Div.).¹ The contention was whether the legislature was prohibited by the Constitution from enacting that such children as have not been vaccinated shall be excluded from the public schools, the Constitution requiring the legislature to “provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.” The Court of Appeals of New York upholds the law. It says that a statute entitled a health law must be a health law in fact as well as in name, and must not attempt in the name of the police power to effect a purpose having no adequate connection with the common good. When the sole object and general tendency of legislation is to promote the public health, there is no invasion of the Constitution, even if the enforcement of the law interferes to some extent with liberty or property. The right to attend the public schools of the state is necessarily subject to some restrictions and limitations in the interest of the public health. A child afflicted with

¹ J. Am. Med. Ass., XLIII, 1904, p. 1897.

leprosy, smallpox, scarlet fever, or any other disease which is both dangerous and contagious, may be lawfully excluded from attending so long as the danger of contagion continues. Public health, as well as the interest of the school, requires this, as otherwise the school might be broken up and a pestilence spread abroad in the community. So a child recently exposed to such a disease may be denied the privilege of our schools until all danger shall have passed. Smallpox is known of all to be a dangerous and contagious disease. If vaccination strongly tends to prevent the transmission or spread of this disease, it logically follows that children may be refused admission to the public schools until they have been vaccinated. It must be conceded that some laymen, both learned and unlearned, and some physicians of great skill and repute, do not believe that vaccination is a preventative of smallpox. The common belief, however, is that it has a decided tendency to prevent the spread of this fearful disease and to render it less dangerous to those who contract it. While not accepted by all, it is accepted by the mass of the people, as well as by most members of the medical profession. It has been general in New York State and in most civilized nations for generations. It is generally accepted in theory and generally applied in practice, both by the voluntary action of the people and in obedience to the command of law. Nearly every state of the Union has statutes to encourage or directly or indirectly to require vaccination, and this is true of most nations of Europe. It is required in nearly all the armies and navies of the world. Statutes requiring children to be vaccinated in order to attend the public schools have generally been sustained by the courts. A common belief, like common knowledge, does not require evidence to establish its existence, but may be acted on without proof by the legislature and the courts. The fact that the belief is not universal is not controlling, for there is scarcely any belief that is accepted by every one. The possibility

that the belief may be wrong, and that science may yet show it to be wrong, is not conclusive; for the legislature has the right to pass laws which, according to the common belief of the people, are adapted to prevent the spread of contagious diseases. In a free country, where the government is by the people through their chosen representatives, practical legislation admits of no other standard of action. While the court does not decide and cannot decide that vaccination is a preventative of smallpox, it takes judicial notice of the fact that this is the common belief of the people of the state, and with this fact as a foundation it holds that the statute in question is a health law, enacted in a reasonable and proper exercise of the police power.

The Supreme Court Commissioners of California in *French vs. Davidson* (143 Cal., 658), say that the decision in the case of *Abeel vs. Clark* (84 Cal., 226),¹ (the contention being in relation to the constitutionality of an "Act to encourage and provide for a general vaccination in the State of California"), was shown to be in substantial compliance with the requirements of the constitution, and many authorities were cited illustrating its sufficiency. The uniform operation of the act on a natural class of persons, to wit, school children, was asserted, and its compliance with the constitution in that behalf was declared. That the vaccination act came within the police power of the Legislature of the State, and that it was for the public good, was clearly maintained by the opinion. It was also shown that the act in no way impaired any constitutional provision against special legislation. The soundness of that decision has never been questioned as far as the commissioners have been able to ascertain. The case has been frequently cited, and the principle of it approved, both in California and in other States. The legislature, the commissioners go on to say, no

1 J. Am. Med. Ass., XLIII, 1904, p. 838.

doubt was of opinion that the proper place to commence, in the attempt to prevent the spread of a contagion, was among the young, where they were kept together in a considerable number, in the same room, for long hours each day. It needs no argument to show that, when it comes to prevent the spread of contagious diseases, children attending school occupy a natural class by themselves, more liable to contagion, perhaps, than any other class we can think of. The effort to prevent the spread of contagion in a direction where it might do the most good was for the benefit and protection of all the people, and there is in it no element of class legislation. It in no way interferes with the right of the child to attend school, provided the child complies with its provisions. Police regulations generally interfere with the liberty of the citizen in one sense, but it is no valid objection to a police regulation that it prevents a person from doing something that he wants to do, or that he might do if it were not for the regulation. When it has been determined that the act is within the police power of the State, nothing further need be said. The rest is to be left to the discretion of the law-making power. It is for that power to say whether vaccination shall be had as to all school children who have not been vaccinated all the time, or whether it shall be resorted to only when smallpox is more than ordinarily prevalent and dangerous. Nor does the fourteenth amendment or any other part of the Federal Constitution interfere with the power of the State to prescribe regulations to promote the health and general welfare of the people.

It is not necessary to refer to the many similar decisions which appear in the Court Reports of many States, but attention is especially called to the exhaustive decision of Mr. Justice Harlan (*W. S. Rep.* 197, 22), in the cases of *Commonwealth vs. Albert M. Peare* (*Mass.* 183, 242), and *Commonwealth vs. John S. Mugford* (*Mass.* 183, 249). The Supreme Court of the United States has stated in no uncertain terms that our vaccination laws are constitutional.

The purpose and effect of our vaccination laws are clearly set forth in an opinion by the late Chief Justice Torrance, in the case of *Bissell vs. Davidson*, 65 Conn., 190. The decision in that case disposes effectually of the contention of the anti-vaccinationists (1) that vaccination, under the statute, is compulsory, and (2) that the law is unconstitutional.

Chief Justice Torrance says:

"The plaintiff contends that the statute conferring the power to require vaccination as a condition of admission to, or attendance at, the public schools, violates certain provisions of the Constitution of this State, and of the fourteenth amendment to the National Constitution. He says in effect, that it allows the privileges of the common schools to those who believe in vaccination, and denies it to those who do not; that it deprives him of his rights without due course or process of law, and denies to him the equal protection of the laws.

"These objections to the validity of the statute, and the reasons and arguments urged in support of them, seem to proceed under a misconception or misapprehension of the real nature and object of the statute. The statute in question forms a part of the laws relating to our common school system, and must be read as a part of those laws. The duty of providing for the education of the children within its limits, through the support and maintenance of public schools, has always been regarded in this State in the light of a governmental duty resting upon the sovereign State. It is a duty not imposed by constitutional provision, but has always been assumed by the State; not only because the education of youth is a matter of great public utility, but also and chiefly because it is one of great public necessity for the protection and welfare of the State itself. In the performance of this duty, the State maintains and supports at great expense, and with an ever watchful solicitude, public schools throughout its territory, and secures to its youth the

privilege of attendance therein. This is a privilege or advantage, rather a right, in the strict technical sense of the term. This privilege is granted, and is to be enjoyed upon such terms and under such reasonable conditions and restrictions, as the law-making power, within constitutional limits, may see fit to impose; and, within those limits, the question what terms, conditions, and restrictions will best subserve the end sought in the establishment and maintenance of public schools, is a question solely for the legislature and not for the courts. The statute in question authorizes the committee to impose vaccination as one of those conditions. *It does not authorize or compel compulsory vaccination; it simply requires vaccination as one of the conditions of the privilege of attending the public school.* Its object is to promote the usefulness and efficiency of the schools by caring for the health of the scholars. It is of the same general nature as the power given in the same section to exclude from the schools children of school age, under the age of five years, whenever in the judgment of the board or committee the interests of the school will be thereby promoted. The statute is essentially a public regulation, as much so as would be one giving the power to exclude temporarily scholars afflicted with infectious or contagious diseases, or coming from homes or districts where such diseases were prevalent."

E. J. McKNIGHT,
JOSEPH H. TOWNSEND,
WYETH E. RAY.

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